

REMARKS

By this Amendment, claims 13, 29, 37 and 40 have been amended. Claims 7-12 and 20-28 have previously been withdrawn. Claims 1-6, 13-19 and 29-42 are pending.

Election/Restriction

Applicant confirms the election of Group I, claims 1-6, 13-19 and 29-42.

Claim Rejections – 35 USC §103

The rejection of claims 1-6, 13-19 and 29-42 under 35 USC §103(a) as being unpatentable over Gustilo et al. (US Pat. No. 5,733,292) is respectfully traversed.

In Gustilo et al. the sensors 600, 700 are illustrated as being received within cavities, grooves or tunnels 604, 624, 706, 728. For example, the grooves 706 are machined into element 708 (col. 16, lines 56-60). Although Gustilo et al. does state “the transducer can be made in other geometries and from other materials,” (col. 17, lines 12-14), Gustilo et al. does not disclose or suggest placing the sensor or transducer in a position between a polymer layer at the articulating surface and a curved contoured surface of a body where the curved contour of the sensor array substantially follows the curved contoured surface of at least part of the body and the curved contour of the polymer layer substantially follows the curved contour of the sensor array. Unless there was some motivation to so position the sensor or transducer, there would be no need or motivation to shape the sensor or transducer as set forth in claim 1. Here, with Gustilo et al.’s positioning of the sensors or transducers, there would be no reason to shape the sensor as set forth in claim 1. Accordingly, claim 1 and its dependent claims 2-6 are patentable over Gustilo et al.

In Gustilo et al. there is no body having a curved concave surface that is adjacent to a sensor array and that is discrete from a polymer layer that is above the sensor array. Since Gustilo et al.’s sensors or transducers are received within the body 138, there would be no need

or motivation to include a polymer layer over the sensors or transducers that is discrete from the body 138. Accordingly, claim 13 and its dependent claims 14-19 are patentable over Gustilo et al.

In Gustilo et al. there is no curved concave protective layer that is discrete from the element 138 and that is above the sensor or transducer on a curved concave surface of a body. Moreover, since the Gustilo et al. sensors or transducers are received within element 138, there would be no reason or motivation to provide such a protective layer. Accordingly, claims 29 and 37 and their dependent claims 30-36 and 38-39 are patentable over Gustilo et al.

In Gustilo et al. there is no protective cover that is discrete from the element 138 that has both a curved concave surface and a curved convex surface as set forth in claim 40. Moreover, since the Gustilo et al. sensors or transducers are received within element 138, there would be no reason or motivation to provide such a protective cover. Accordingly, claim 40 and its dependent claims 41 and 42 are patentable over Gustilo et al.

Conclusion

It is believed that the claims 1-6, 13-19 and 29-42 are in condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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